

WISCONSIN LEGISLATIVE COUNCIL STAFF



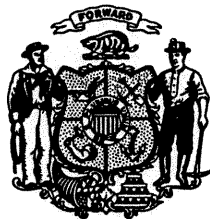
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AUG 03 1989

**RULES CLEARINGHOUSE**

Ronald Sklansky  
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**CLEARINGHOUSE REPORT TO AGENCY**

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[THIS REPORT HAS BEEN PREPARED PURSUANT TO S. 227.15, STATS. THIS IS A REPORT ON A RULE AS ORIGINALLY PROPOSED BY THE AGENCY; THE REPORT MAY NOT REFLECT THE FINAL CONTENT OF THE RULE IN FINAL DRAFT FORM AS IT WILL BE SUBMITTED TO THE LEGISLATURE. THIS REPORT CONSTITUTES A REVIEW OF, BUT NOT APPROVAL OR DISAPPROVAL OF, THE SUBSTANTIVE CONTENT AND TECHNICAL ACCURACY OF THE RULE.]

**CLEARINGHOUSE RULE 99-107**

AN ORDER to create chapter Trans 134, relating to registration plates for authorized special groups.

Submitted by **DEPARTMENT OF TRANSPORTATION**

07-09-99      RECEIVED BY LEGISLATIVE COUNCIL.  
07-29-99      REPORT SENT TO AGENCY.

RS:DLS:jal;rv

**LEGISLATIVE COUNCIL RULES CLEARINGHOUSE REPORT**

This rule has been reviewed by the Rules Clearinghouse. Based on that review, comments are reported as noted below:

1. STATUTORY AUTHORITY [s. 227.15 (2) (a)]

Comment Attached

YES ☐

NO ☒

2. FORM, STYLE AND PLACEMENT IN ADMINISTRATIVE CODE [s. 227.15 (2) (c)]

Comment Attached

YES ☒

NO ☐

3. CONFLICT WITH OR DUPLICATION OF EXISTING RULES [s. 227.15 (2) (d)]

Comment Attached

YES ☐

NO ☒

4. ADEQUACY OF REFERENCES TO RELATED STATUTES, RULES AND FORMS  
[s. 227.15 (2) (e)]

Comment Attached

YES ☐

NO ☒

5. CLARITY, GRAMMAR, PUNCTUATION AND USE OF PLAIN LANGUAGE [s. 227.15 (2) (f)]

Comment Attached

YES ☐

NO ☒

6. POTENTIAL CONFLICTS WITH, AND COMPARABILITY TO, RELATED FEDERAL  
REGULATIONS [s. 227.15 (2) (g)]

Comment Attached

YES ☐

NO ☒

7. COMPLIANCE WITH PERMIT ACTION DEADLINE REQUIREMENTS [s. 227.15 (2) (h)]

Comment Attached

YES ☐

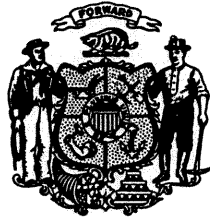
NO ☒

# WISCONSIN LEGISLATIVE COUNCIL STAFF

## RULES CLEARINGHOUSE

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## CLEARINGHOUSE RULE 99-107

### Comments

**[NOTE: All citations to "Manual" in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated September 1998.]**

### 2. Form, Style and Placement in Administrative Code

a. In s. Trans 134.03 (1) (a), insert "as" after "designated" and substitute "apply" for "make application." In sub. (1) (c), insert "obtained" before "any necessary approvals." In sub. (2) (b), it might be clearer if the word "clearly" is deleted and the phrase "after the initial review" is inserted after "not acceptable." In sub. (2) (c), delete "the initial audit" and substitute "the department's initial review." Also, in that same paragraph, delete "will be made" and substitute "is necessary." In sub. (2) (f), second sentence, substitute "shall be used to offset" for "offsets" since that amount will not necessarily offset the costs. In sub. (2) (g), delete "to purchase and issue plates" and substitute "of purchasing and issuing the plates."

b. In s. Trans 134.04 (1), delete the comma after "authorized special group." In sub. (2) (a), delete "clearly" and insert a requirement that the department inform the group why, after the initial screening, the application is not acceptable. In sub. (2) (c), delete the comma after "denial."

c. In s. Trans 134.05 (2), the text should be rewritten as follows: "A special group plate shall display, on the left of the plate, a symbol representing the special group. The symbol shall not exceed 1/4 the width of the plate." In sub. (5), the phrase "is responsible for" should be replaced by the phrase "shall pay."

d. In s. Trans 134.06 (1) (b), delete "actually being." In sub. (3), last sentence, "\$15.00" should be "\$15." In sub. (4) (a), "authorized special groups" should be "authorized

special group.” Subsection (4) (c) is confusing and should be rewritten (for example, it could read as follows: “If an authorized special group plate is discontinued and the department continues to renew plates which have already been issued, the department, 5 years after plate sales began and when the department undertakes a general license plate reissuance, may decide either to reissue the authorized special group plate or to discontinue the plate.”) In sub. (4) (d), delete the commas after “discontinued” and “fee deposit.” In sub. (4) (e), first sentence, delete the comma after “any time.” In sub. (4) (f), delete “for messages” and substitute “if the plates contain messages.”

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The Wisconsin Department of Transportation proposes an order to create TRANS 134, relating to registration plates for authorized special groups.

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**NOTICE OF HEARING  
AND  
TEXT OF PROPOSED RULE**

NOTICE IS HEREBY GIVEN that pursuant to s. 341.14(6r)(fm)6., Stats., as created by 1997 Wis. Act 255, and interpreting ss. 341.14(6r) and 341.145, Stats., the Department of Transportation will hold a public hearing in **Room 451** of the Hill Farms State Transportation Building, 4802 Sheboygan Avenue, Madison, Wisconsin on the **15th** day of **September**, 1999, at **1:00 PM**, to consider the creation of Chapter Trans 134, Wisconsin Administrative Code, relating to authorized special groups.

An interpreter for the hearing impaired will be available on request for this hearing. Please make reservations for a hearing interpreter at least 10 days prior to the hearing.

The public record on this proposed rule making will be held open until September 22, 1999, to permit the submission of written comments from persons unable to attend the public hearing or who wish to supplement testimony offered at the hearing. Any such comments should be submitted to Carson Frazier, Department of Transportation, Bureau of Vehicles Services, Room 253, P. O. Box 7909, Madison, WI 53707-7909.

Parking for persons with disabilities and an accessible entrance are available on the north and south sides of the Hill Farms State Transportation Building.

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## **Analysis Prepared by the Wisconsin Department of Transportation**

**STATUTORY AUTHORITY:** s. 341.14(6r)(fm)6., Stats., as created by 1997 Wis. Act 255  
**STATUTES INTERPRETED:** ss. 341.14(6r) and 341.145, Stats.

**General Summary of Proposed Rule.** Ch. Trans 134 implements 1997 Wisconsin Act 255. Act 255 creates an administrative, instead of a legislative, procedure under which groups may apply to be recognized by a special group license plate. This rule making will do the following:

- Outline the procedure that a group follows to apply for designation as an authorized group, including the statutorily-specified eligibility criteria and deposit required.
- Address the procedure that DOT follows to review the group's application.
- State basic plate design requirements.
- Address requirements and procedure for an individual to apply to purchase license plates of the authorized special group.
- State general requirements related to plate sales and describe the procedure for any refund which DOT might make to the authorized special group. In addition, it will lay out the reasons for which DOT will discontinue plate sales, and the procedure that DOT follows to discontinue plate sales.

**Fiscal Effect.** The Department estimates that there will be no fiscal impact on the liabilities or revenues of any county, city, village, town, school district, vocational, technical and adult education district or sewerage district. The proposed rule will have no fiscal effect on state funds independent of the fiscal impact of 1997 Wisconsin Act 255. It is estimated that the fiscal effect in the current biennium will be \$28,700.00 and that there will be an annualized cost of \$25,100.00. The estimated fiscal effect is based on the assumption that the program will require half of an FTE position to administer it and that there will be a one-time cost of \$3,600.00 to provide equipment for the administrative position.

**Initial Regulatory Flexibility Analysis.** This proposed rule will have no direct affect on small businesses.

**Copies of Proposed Rule.** Copies of the proposed rule may be obtained upon request, without cost, by writing to Carson Frazier, Department of Transportation, Bureau of Vehicles Services, Room 253, P. O. Box 7909, Madison, WI 53707-7909, or by calling (608) 266-7857. Hearing-impaired individuals may contact the Department using TDD (608) 266-3096. Alternate formats of the proposed rule will be provided to individuals at their request.

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## **TEXT OF PROPOSED RULE**

Under the authority vested in the state of Wisconsin, department of transportation, by s. 341.14(6r)(fm)6., Stats., as created by 1997 Wis. Act 255, the department of transportation hereby proposes to create a rule interpreting ss. 341.14(6r) and 341.145, Stats., relating to registration plates for authorized special groups.

**SECTION 1.** Chapter Trans 134 is created to read:

### **CHAPTER TRANS 134 AUTHORIZED SPECIAL GROUPS**

**TRANS 134.01 Authority and purpose.** (1) As authorized by s. 341.14(6r)(fm), Stats., the purpose of this chapter is to establish procedures for the designation of authorized special groups and the issuance or discontinuation of issuance of special group plates to members of an authorized special group including application procedures, eligibility determination procedures, license plate reservation and sale procedures and discontinuance of license plate sale procedures for groups desiring to be designated as an authorized special group under s. 341.14(6r)(fm), Stats.

**TRANS 134.02 Definitions.** The words and phrases defined in s. 340.01, Stats., have the same meaning in this chapter unless a different definition is specifically provided. In this chapter:

(1) "Authorized special group" means a special group designated by the department under s. 341.14(6r)(fm), Stats.

(2) "Department" means the department of transportation.

### **TRANS 134.03 Application for designation as an authorized special group.**

(1) APPLICATION. (a) A group wishing to be designated an authorized special group may make application to the department upon the form provided by the department.

(b) The application form shall be determined by the department and shall require that the group certify that it meets all of the following criteria:

1. The group or organization is not organized or operated for profit.
2. The group or organization is not a political committee, as defined in s. 11.01(4), Stats., or a political group, as defined in s. 11.01(10), Stats.
3. The group or organization is not a church, a synagogue, a mosque or any organization, whether or not organized under Ch. 187, Stats., that operates under a creed.
4. The group or organization does not promote, practice or encourage hatred or any form of discrimination.
5. The group or organization does not carry connotations offensive to good taste or decency, or that would be misleading or in conflict with the enumeration of any other authorized special group.

(c) The application shall require that the group certify that it has any necessary approvals for use of a logo or trademark to be included in the design of a special group license plate.

(d) If the group is incorporated, the application shall be accompanied by a copy of the group's articles of incorporation and by-laws.

(e) If the group is not incorporated, the application shall be accompanied by a copy of a document setting forth the group's purpose.

(f) The department may verify whether the group meets the criteria specified in sub. (1)(b) and has the approvals specified in sub. (1)(c). In order to verify that the group meets the eligibility requirements established in s. 341.14(6r)(fm)1., Stats., the department may consult with other state, federal or local agencies, national

organizations, and other similar sources and may request that the group submit additional information that the department decides is reasonably necessary to determine if the group is entitled to designation as a special group.

(2) FEE DEPOSIT. (a) Along with the application, the group shall submit a deposit of \$15,500 by check made payable to the department of transportation. If the application is approved, up to \$12,000 of the deposit may be returned to the group as provided in s. 341.14(6r)(fm)2.a., Stats.

(b) The department shall do an initial review of the group's application, and if the application is clearly not acceptable, the department shall return the application and the check.

(c) If the initial audit of the application indicates that further review will be made, the department shall deposit the check in the general fund and credit the appropriation under s. 20.395(5)(cj), Stats.

(d) If the department rejects the group's application, it shall refund the deposit to the group.

(e) A group may withdraw its application any time before the department has approved the application, and the department shall refund the entire deposit. In order to receive a full refund, notice of withdrawal must be received by the department prior to its decision approving the application.

(f) If the group withdraws its application after the department has approved the application but before plate design is finalized, the department shall retain \$3,500 and shall refund \$12,000 of the deposit. The \$3,500 retained by the department offsets the costs of data processing work performed upon approval of the application.

(g) If the group withdraws its application after the department has approved the application and after plates are ordered, the department shall retain the entire \$15,500 deposit to offset the cost of data processing work and the cost to purchase and issue plates.

**NOTE:** To apply for designation as an authorized special group, complete Form MV2907 which can be obtained by writing to the Department of Transportation, Bureau of Vehicle Services, P. O. Box 7911, or by calling (608) 266-3041.

**TRANS 134.04 Designation of authorized special groups.** (1) The department shall approve an application by a group or organization for designation as an authorized special group, if the department determines that the group or organization meets all of the criteria specified in s. 341.14(6r)(fm)1., Stats.

(2) The department shall process applications according to the following schedule:

(a) The department shall notify the group immediately after initial screening if the application is clearly not acceptable.

(b) The department shall notify the group within 15 days of receipt of application, if any additional information is needed to determine eligibility.

(c) The department shall notify the group of approval or denial, within 30 days of receipt of all information needed to determine eligibility.

(d) If the department has not received additional information needed to determine eligibility within 90 days of asking for this information, the application shall be considered withdrawn and the department shall refund the deposit as provided in s. Trans 134.03(2)(e).

(e) The department shall begin data processing work as soon as it approves the group's application as an authorized special group. The department shall endeavor to complete data processing work within 6 months.

(f) After the department and the authorized special group agree on a plate design concept, the department shall endeavor to complete a production-ready plate design and purchase plate materials within 6 months.

(3) If the department denies an application by a group or organization, it shall return the application and deposit promptly and shall notify the group or organization of the reasons for the denial.

**NOTE: Section 341.14(6r)(fm)4., Stats., provides that the decision of the Department denying an application for designation as an authorized special group is final and is not subject to judicial review under Ch. 227.**

**TRANS 134.05 Special group plate design.** (1) Special group plates shall display the word "Wisconsin" and the name of the applicable authorized special group shall be displayed on the plate.

(2) Special group plates shall display a symbol representing the special group, not exceeding  $\frac{1}{4}$  the width of the plate, on the left.

**NOTE: For personalized plates, up to 6 positions are available for the desired message. Sequential plate numbering shall be as the Department determines.**

(3) Special group plates shall be the combination of colors specified by the department for special group plates under s. 341.14(6r)(f), Stats., which are not military in nature and not special groups under s. 341.14(6r)(f)35. to 47. and 50., Stats.

(4) The department shall specify the design of special group plates for authorized special groups designated under this chapter after consulting with the chief executive officer of the group or organization or his or her representative regarding symbols and wording on the special group plate.

(5) The authorized special group is responsible for any licensing fees related to the symbol or wording on special group plates.

**TRANS 134.06 Authorized special group license plate sales.** (1) INDIVIDUAL PLATE APPLICATIONS. (a) Special group plates are available for automobiles, station wagons, motor homes, motor trucks of 8,000 pounds or less, dual purpose motor homes or dual purpose farm trucks of 8,000 pounds or less, or farm trucks of 12,000 pounds or less. Special group plates may not be issued for motorcycles.

(b) License plates under this program are available only for vehicles actually being registered for highway operation.

(c) Special group plates may not be combined with special plates for the disabled under s. 341.14(1), (1a), (1m), (1q) or (1r), Stats., and therefore, vehicles displaying special group plates are not entitled to special parking privileges unless displaying a disabled parking identification card issued under s. 343.51, Stats.

(d) The department shall accept plate applications from any person who wishes to purchase authorized special group plates. Plates under this program are not restricted to group members or persons who meet eligibility requirements established by the group.

(e) Each individual vehicle registrant who wishes to purchase a special group license plate shall submit a \$15 issuance fee along with the license plate and registration application in addition to regular registration fees.

(f) Authorized special groups may apply to reserve personalized plate messages on special group plates. If a group wishes to reserve personalized plate messages, the group shall submit \$15 for each reservation. The department shall search the current database and will reserve only personalized plate messages which do not duplicate any

existing license plate number. If an individual vehicle registrant purchases the license plate with the reserved personalized plate message, the individual may not be charged the \$15 issuance fee.

**NOTE:** The Department shall have a form for application for plates of authorized special groups. The Department shall develop the application form, which will be available before any license plates are available for sale. The application form shall designate for which authorized special group plate the person is applying. Forms can be obtained by writing to the Department of Transportation, Bureau of Vehicle Services, P. O. Box 7911, or by calling (608) 266-3041.

(2) GENERAL REQUIREMENTS. (a) The department may not conduct any special advertising or promotion for authorized special group license plates. Any promotion shall be the responsibility of the authorized special group.

(b) No fund-raising plates may be considered for authorization under this program, as provided in s. 341.14(6r)(fm)5., Stats.

(3) REFUND OF FEE DEPOSIT. (a) Part of the group's deposit up to a maximum of \$12,000 may be refunded to the group after the first year of plate sales. The amount of money refunded to the group depends on the number of plates sold during the first year. The sum of \$15.00 shall be refunded for each plate sold during the first year.

**NOTE:** For example, if 100 plates are sold in the first year, the group will be refunded \$1,500; if 500 plates are sold in the first year, the group will be refunded \$7,500; and if 800 plates are sold in the first year, the group will be refunded the entire \$12,000.

(b) The first year of plate sales begins on the first date that the department accepts individual applications for plates of the authorized special group.

(4) DISCONTINUANCE OF PLATE SALES. (a) The department may discontinue sales of special group plates for any authorized special groups if, 5 years after plate sales begin, there are less than 100 active vehicle registrations with the

special group plate, or if the department concludes for cost reasons that the special group plate should be discontinued.

(b) If the department discontinues sales of special group plates for an authorized special group, the department may continue to renew authorized special group plates which have already been issued.

(c) If an authorized special group plate is discontinued and the department continues to renew plates which have already been issued, 5 years after plate sales began, and when the department undertakes a general license plate reissuance, the department may decide either to reissue the authorized special group plate or to discontinue the authorized special group plate.

(d) If an authorized special group plate has been discontinued, and the group decides to re-apply for designation as an authorized special group, the department may waive up to \$3,500 of the fee deposit, if its data processing system will need no changes to reissue the special group plate.

(e) The department may terminate special group authorization and plate sales at any time, if it discovers that false or misleading information as to the nature of the special group was provided in the application process. If the department discontinues special group authorization, it may recall all license plates issued under this chapter, and may suspend registration of all vehicles with recalled plates, if the plates are not returned to the department.

(f) Personalized plate messages obtained under this program are subject to all department policies applicable to any personalized plate messages, and plates already issued may be recalled and registration suspended, for messages which the

department determines to carry connotations offensive to good taste or decency or which may be misleading.

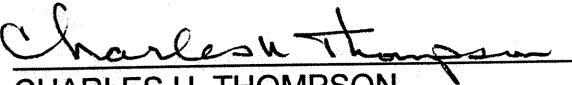
**NOTE:** Decisions of the Department to discontinue plate sales or to terminate authorized special group designation is final and not subject to judicial review under Ch. 227 as provided in s. 341.14(6r)(fm)4., Stats.

**(END OF RULE TEXT)**

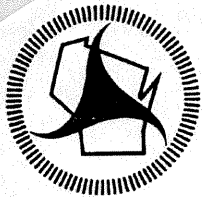
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**Effective Date.** This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22(2), Stats.

Signed at Madison, Wisconsin, this 8 day of July, 1999.

  
CHARLES H. THOMPSON  
Secretary  
Wisconsin Department of Transportation

SEP 29 1999



## Wisconsin Department of Transportation

www.dot.state.wi.us

Tommy G. Thompson  
Governor

Charles H. Thompson  
Secretary

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The Honorable Fred Risser  
President, Wisconsin State Senate  
Room 220 South, State Capitol  
Madison, Wisconsin 53707

September 28, 1999

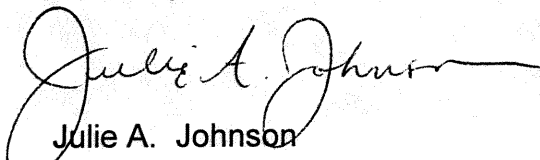
The Honorable Scott Jensen  
Speaker, Wisconsin State Assembly  
Room 211 West, State Capitol  
Madison, Wisconsin 53707

RE: Proposed Administrative Rule **TRANS 134**  
Notification of Legislative Standing Committees  
**CLEARINGHOUSE RULE 99-107**

Gentlemen:

Enclosed is a copy of Clearinghouse Rule **99-107**, relating to **registration plates for authorized special groups**. The rule is submitted to you for referral to the appropriate standing committees.

Sincerely,

  
Julie A. Johnson  
Paralegal

JAJ/dim

Enclosure

cc: Gary Poulson  
Senator Judy Robson  
Representative Glenn Grothman  
Roger Cross  
Carson Frazier

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**CR 99-107**

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The Wisconsin Department of Transportation proposes an order to create TRANS 134, relating to registration plates for authorized special groups.

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**REPORT OF THE DEPARTMENT OF TRANSPORTATION  
ON THE FINAL RULE DRAFT**

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This report is submitted to the presiding officers of the Senate and Assembly for referral to the appropriate standing committees. The report consists of the following parts:

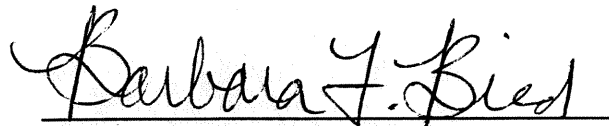
Part 1--Analysis prepared by the Department of Transportation.

Part 2--Rule text in final draft form.

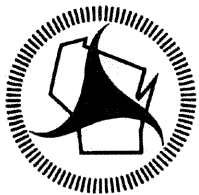
Part 3--Recommendations of the Legislative Council.

Part 4--Analysis prepared pursuant to the provisions of s. 227.19(3), Stats.

Submitted by:



BARBARA F. BIRD  
Assistant General Counsel  
Office of General Counsel  
Department of Transportation  
Room 115-B, Hill Farms State  
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## Wisconsin Department of Transportation

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The Honorable Judy Robson  
Senate Chairman  
Joint Committee for Review  
of Administrative Rules  
Room 15 South, State Capitol  
Madison, Wisconsin 53702

July 9, 1999

JUL 13 REC'D

The Honorable Glenn Grothman  
Assembly Chairman  
Joint Committee for Review  
of Administrative Rules  
Room 15 North, State Capitol  
Madison, Wisconsin 53702

RE: **NOTICE OF PUBLIC HEARING** and Text of Proposed Rule, relating to **registration plates for authorized special groups**, Trans 134

Dear Senator Robson and Representative Grothman:

Enclosed for your information is a Notice of Public Hearing and Text of Proposed Rulemaking relating to the above-entitled matter. These documents have also been filed with the Revisor of Statutes, the Legislative Council, and the Department of Administration in accordance with the requirements of §§ 227.15 and 227.17, Stats.

Sincerely,

A handwritten signature in cursive script that reads "Julie A. Johnson".  
Julie A. Johnson  
Paralegal

Enclosure

cc: Sandy Beaupre  
Mike Goetzman  
Roger Cross  
Carson Frazier



## Wisconsin Department of Transportation

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Tommy G. Thompson  
Governor

Charles H. Thompson  
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March 25, 1999

MAR 26 1999

Mr. Gary L. Poulson, Deputy Revisor  
Revisor of Statutes Bureau  
131 West Wilson Street  
Suite 800  
Madison, Wisconsin 53703

RE: **STATEMENT OF SCOPE OF PROPOSED RULEMAKING, TRANS 134**

Dear Mr. Poulson:

Enclosed is the Statement of Scope for the proposed amendment of ch. Trans 134. Please publish the Scope Statement in accordance with § 227.135(3), Stats., in the Administrative Register.

Sincerely,

A handwritten signature in cursive script, appearing to read "Julie A. Johnson".

Julie A. Johnson  
Paralegal

Enclosures

cc: Richard G. Chandler/DOA State Budget Director  
Senator Judy Robson, Co-Chair/JCRAR  
Representative Glenn Grothman, Co-Chair/JCRAR  
Secretary's Office  
Sandy Beaupre  
Mike Goetzman  
Roger Cross  
Carson Frazier

## **STATEMENT OF SCOPE**

### **DESCRIPTION OF THE OBJECTIVE OF THE RULE:**

This rule making will create ch. Trans 134 which establishes procedures for administering 1997 Wis. Act 255, designating authorized special groups and issuing special license plates to authorized groups.

### **DESCRIPTION OF EXISTING POLICIES RELEVANT TO THE RULE AND OF NEW POLICIES PROPOSED TO BE INCLUDED IN THE RULE AND AN ANALYSIS OF POLICY ALTERNATIVES:**

This rule making will establish policies and procedures for designating special groups eligible for distinctive license plates and procedures for plate issuance. These policies and procedures will be new, but the Department will be guided by current special plate issuance policies and procedures so that it can be as consistent as possible in this new program.

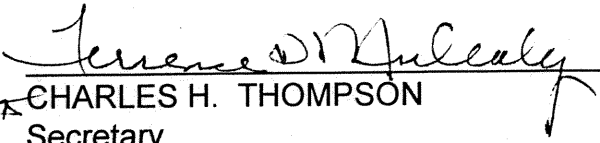
### **STATUTORY AUTHORITY FOR THE RULE:**

s. 341.14(6r)(fm)6., Stats.

### **ESTIMATES OF THE AMOUNT OF TIME THAT STATE EMPLOYEES WILL SPEND DEVELOPING THE RULE AND OF OTHER RESOURCES NECESSARY TO DEVELOP THE RULE:**

40 hours

Signed at Madison, Wisconsin, this 24 day  
of **March**, 1999.

  
CHARLES H. THOMPSON  
Secretary  
Wisconsin Department of Transportation